

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-957-D

NANCY MASSENBURG,

Plaintiff,

v.

ASHLEY HUNT,
INNOVATIVE TALENT SOLUTIONS, INC.,
KIM KORANDO, ESQ.,
UNNAMED CLIENT DISCRIMINATORY
HIRING POLICY,

Defendants.

ORDER

On April 17, 2017, defendants Ashley Hunt and Kimberly Korando (collectively “defendants”) moved to dismiss Nancy Massenburg’s (“Massenburg” or “plaintiff”) pro se complaint [D.E. 27]. See Fed. R. Civ. P. 12(b)(1)–(2), (4)–(6). On May 3, 2017, Massenburg filed an amended complaint [D.E. 33].

On May 4, 2017, defendants withdrew their motion to dismiss Massenburg’s complaint [D.E. 39], moved to dismiss Massenburg’s amended complaint [D.E. 40], and filed a memorandum in support of the motion to dismiss [D.E. 41]. On May 30, 2017, Massenburg responded in opposition [D.E. 47, 48]. On June 12, 2017, defendants replied [D.E. 50].

The court grants defendants’ motion to dismiss. See Fed. R. Civ. P. 12(b)(6). Massenburg has failed to state a Title VII claim against Hunt or Korando. See, e.g., Lissau v. S. Food Serv., 159 F.3d 177, 180–81 (4th Cir. 1998). Massenburg can only pursue a Title VII claim against defendant Innovative Talent Solutions, Inc. See id. Massenburg also has failed to state a due process claim

against Korando or Hunt under 18 U.S.C. § 241. See, e.g., Tribble v. Reedy, No. 89-6781, 1989 WL 126783, at *1 (4th Cir. Oct. 20, 1989) (per curiam) (unpublished table decision); Farrow v. North Carolina, No. 5:13-CT-3100-D, 2014 WL 12495278, at *2 (E.D.N.C. Feb. 17, 2014) (unpublished); Anderson-El v. Chief of Aux. Servs., No. 5:11-CT-3170-D, 2012 WL 5305747, at *2 (E.D.N.C. Mar. 12, 2012) (unpublished). Finally, Massenburg has failed to state a claim against Korando or Hunt under 42 U.S.C. § 1985. See, e.g., Kush v. Rutledge, 460 U.S. 719, 724–25 (1983); A Society Without A Name v. Virginia, 655 F.3d 342, 346–47 (4th Cir. 2011); Simmons v. Poe, 47 F.3d 1370, 1376–77 (4th Cir. 1995); Buschi v. Kirven, 775 F.2d 1240, 1251–52 (4th Cir. 1985); Ward v. Coastal Carolina Health Care, P.A., 597 F. Supp. 2d 567, 572–73 (E.D.N.C. 2009); Shu v. Core Indus., Inc., No. 7:989-CV-130-BR2, 1999 WL 33589276, at *4 (E.D.N.C. Feb. 10, 1999) (unpublished).

In sum, the court GRANTS defendants Hunt and Korando's motion to dismiss Massenburg's amended complaint [D.E. 40] and DISMISSES Massenburg's claims against Hunt and Korando with prejudice. Hunt and Korando are no longer defendants in this action. Hunt and Korando's original motion to dismiss [D.E. 27] has been WITHDRAWN. See [D.E. 39].

SO ORDERED. This 2 day of August 2017.


JAMES C. DEVER III
Chief United States District Judge